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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/501,101

07/07/2004

Manfred Angermayr

2001P14008WOUS

5587

29177 7590 06/19/2008
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EXAMINER

CHRISS, ANDREW W

ART UNIT

PAPER NUMBER

2619

MAIL DATE

DELIVERY MODE

06/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 10/501,101	Applicant(s) ANGERMAYR ET AL.	
	Examiner Andrew Chriss	Art Unit 2619	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 May 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: 21-40.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/CHAU T. NGUYEN/
Supervisory Patent Examiner, Art Unit 2619

/A. C./
Examiner, Art Unit 2619

Continuation of 3. NOTE: The amended claim language in Claim 30 ("assigned by at least one of a mathematical algorithm to the second internal logical network and the third internal logical network for forwarding") introduces an alternative limitation. However, the subject matter that is alternatively claimed is unclear. The claim recites only one element (i.e., a mathematical algorithm) that would perform the claimed assignment step. Per MPEP 2173.05(h), Markush groups should recite more than one element. Therefore, the proposed claim language is indefinite and would not meet the criteria necessary for patentability under 35 U.S.C. 112, second paragraph.

Continuation of 11. does NOT place the application in condition for allowance because: The rejection of Claim 30 under 35 U.S.C. 112, second paragraph, (see Office Action dated January 24, 2008) is withdrawn in light of Applicant's arguments regarding the mathematical algorithm.

Applicant's arguments with respect to rejection of Claims 21-24, 28, and 29 under 35 U.S.C. 102(e) have been carefully considered and are not persuasive. Applicant states that Rose fails to disclose the claimed limitation of a signaling connection that is set up from the second internal logical network to another network node of the telecommunication network via which all signaling of the is done, wherein both network nodes have the same signaling point code, as required by the claimed invention. Applicant further states that Rose discloses "signaling point codes assigned to the node-ends of the separate trunk routes to the first neighboring exchange differ from each other (see abstract)." However, per MPEP 2141.02, "a prior art reference must be considered in its entirety i.e., as a whole, including portions that would lead away from the claimed invention." To this end, Rose discloses that "some of the point codes are re-used in such a manner that the routes are still uniquely identifiable by reference to the two or more point codes assigned to the ends of a respective route" (paragraph 0056) and further discloses a distributed exchange wherein distinct network nodes connected to one another that share the same signaling point (Figure 4) and the same signaling point code is re-used to communicate between neighboring exchanges and the distributed exchange (Figure 5). Therefore, rejection of Claims 21-24, 28, and 29 under 35 U.S.C. 102(e) is maintained.